

REMARKS

Reconsideration of the application is requested.

Applicants acknowledge the Examiner's confirmation of receipt of applicants' certified copies of the priority documents for the PCT Patent Application PCT/DE00/02130, filed June 30, 2000 and the German Patent Application 199 30 118.2, filed June 30, 1999 supporting the claim for priority under 35 U.S.C. § 119.

Claims 1-12 are in the application. Claim 9 has been amended.

In the first paragraph on page 2 of the above-identified Office Action, claim 9 has been rejected as being indefinite under 35 U.S.C. § 112, second paragraph. More specifically, the Examiner states that the meaning of the phrase "a DC voltage established at a terminal is adjustable or variable via a first terminal" is unclear.

Claim 9 has been amended in an effort to even more clearly define the invention of the instant application. Support for these changes may be found in claim 9 and on pages 4-6 and 11-17 of the specification of the instant application.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, second paragraph. The above-noted changes to the claims are provided solely for clarification or cosmetic reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

In the penultimate paragraph on page 2 of the above-identified Office action, claims 1-8 and 10-11 have been rejected as being **fully anticipated by** U.S. Patent No. 6,265,936 to Heigl et al. (hereinafter '936) under 35 U.S.C. § 102(e).

As noted by the Examiner in the first paragraph on page 4, a certified translation of the priority document supplied may overcome the rejection. See 35 U.S.C. § 119. Concurrent herewith, applicants have filed a Claim for Priority including both a certified copy of German application **199 30 118.2** and a certified English translation of same. Accordingly, applicants respectfully believe that priority has been perfected and '936 is unavailable as prior art. Therefore, applicants respectfully submit that the Section 102(e) rejection on pages 2 to 4 of the Office action is now moot.

In support of this position, applicants respectfully note that '936 has a United States filing date of **November 26, 1999**. See 35 U.S.C. § 102(e). As set forth in the Declaration of record, the instant application is a continuation application of copending International Application Serial No. **PCT/DE00/02130**, filed **June 30, 2000**, which claims international priority of the German Application No. **199 30 118.2**, filed **June 30, 1999**, under 35 U.S.C. § 119. Pursuant to 35 U.S.C. §§ 119, 120 and 363, applicants are entitled to the priority date of the German application. See MPEP §§ 201.13 and 1895. Thus, the instant application predates '936 by more than 4 months. Because '936 is only available as a reference under 102(e) after the priority date of the instant application, applicants respectfully believe that '936 is unavailable as prior art.

In light of the above, applicants believe that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 through 10. Claims 1 through 12 are, therefore, believed to be patentable over the art.

Finally, applicants appreciatively acknowledge the Examiner's statement that claim 12 "would be allowable if rewritten in

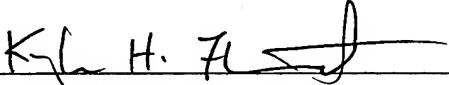
independent form including all of the limitations of the base claim and any intervening claims." In light of the above, applicants respectfully believe that rewriting of claim 12 is unnecessary at this time.

In view of the foregoing, reconsideration and allowance of claims 1-12 are solicited. In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$110.00 in accordance with Section 1.17 is enclosed herewith. Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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For Applicants
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